

## REMARKS

Claims 65-77 are pending in this application. Claim 66 and 78-81 are herein cancelled without prejudice to pursuing similar or identical claims in a continuing application. Claims 1-64 were previously cancelled. Claims 65 and 67-77 have been amended. Upon entry of these amendments, claims 65 and 67-77 are pending and under active consideration. Applicant respectfully requests entry of the amendments and remarks made herein into the file history of the present application.

Claims 65 and 67-77 have been amended to include the term “isolated.” Support for this amendment may be found throughout the specification, notably at page 55, line 20 of the specification as filed. Accordingly, Applicant respectfully submits that no new matter has been added.

a. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claim 66 as vague based on the phrase “variant, analog and derivative of the sequence set forth in SEQ ID NO:4,” and has further rejected claims 70-77 as indefinite due to their dependence on claim 66. Applicant respectfully submits that claim 66 has been cancelled and claims 70-77 have been amended to remove dependency to cancelled claim 66. Applicant therefore respectfully submits that the rejection under 35 U.S.C. § 112, second paragraph has been overcome.

b. 35 U.S.C. § 102(b)

The Examiner has rejected claims 65-69 and 75-77 under 35 U.S.C. § 102(b) for lack of novelty in view of O’Brien and Yang, and has characterized the antibodies of the cited references as having “identical functional properties” to the claimed antibodies. The Examiner characterizes O’Brien and Yang as each teaching antibodies that bind to Cyr61. The Examiner alleges that based on extensive homology of Cyr61 across species, antibodies that bind human Cyr61 would likely bind Cyr61 homologs from other species.

Applicant respectfully asserts that, as amended, the claims refer to *isolated* antibodies to SEQ ID NO:4, in contrast to O’Brien and Yang, which refer to the preparation of polyclonal antibodies only. O’Brien at p. 3750, Yang at p. 352. Applicant therefore respectfully submits that the rejection under 35 U.S.C. § 102(b) has been overcome.

c. 35 U.S.C. § 103(a)

The Examiner has rejected claims 65 and 67-77 as obvious over O'Brien or Yang in view of Hoogenboom. Applicant respectfully submits that the prior art references are insufficient to establish a prima facie case of obviousness because the cited references do not contain each and every element of the claims as amended.

As described above, O'Brien and Yang do not disclose the claimed isolated antibodies that specifically bind to a polypeptide comprising a sequence set forth in SEQ ID NO:4. The Examiner characterizes Hoogenboom as teaching methods of making chimeric or humanized antibodies. Therefore, the previously cited references do not teach each and every element of the claims as amended. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the above amendments and remarks, Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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